



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,935	01/22/2004	Andy Wang	522272000121	5752

25224 7590 01/09/2007  
MORRISON & FOERSTER, LLP  
555 WEST FIFTH STREET  
SUITE 3500  
LOS ANGELES, CA 90013-1024

EXAMINER

JONES, SCOTT E

ART UNIT PAPER NUMBER

3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/762,935

Applicant(s)

WANG ET AL.

Examiner

Scott E. Jones

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to the amendment filed on September 7, 2006 in which applicant amends claims 1, 4, 5, and 6, adds new claim 9, and responds to the claim rejections.

Claims 1-9 are pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaaij (U.S. 6,056,640).

Schaaij discloses a computer game system that can be played over a network by two or more teams, wherein each human player controls a virtual game character in a competition, such as, baseball, basketball, or football, etc. Schaaij additionally discloses:

Regarding Claims 1 and 9:

- qualifying all participants in the game as members of either an active group or an awaiting group; The examiner interprets an active group to simply be a player on offense in a sports game such as baseball, basketball, or football, etc. Likewise, the examiner interprets a participant in an awaiting group to simply be a player on defense in a sports game such as baseball, basketball, or football, etc. (see entire disclosure).

- qualifying a member of said active group as an initiator (see entire disclosure); The examiner interprets an initiator as simply as a player having the ball in a sports game.
- qualifying at least one member of said active group as an intended receiver (see entire disclosure); The examiner interprets an intended receiver as a player whom the ball is thrown to, handed to, or hit to in a sports game.
- qualifying at least one member of said active group as an interceptor (see entire disclosure); The examiner interprets an interceptor to be a player on defense, such as a defensive back in football, a player on the defense in basketball, or a position player in the field in baseball for example.
- conveying an occurrence of an action which is initiated by said initiator and directed to said intended receiver, first to said interceptor, wherein said interceptor becomes aware of said first action and has the initial opportunity to react to said action, and wherein a reaction by said interceptor results in an outcome signal (see entire disclosure); The examiner interprets an action initiated by an initiator to simply be a quarterback throwing a ball in football, a pitcher throwing a pitch in baseball, or a point guard passing the ball in basketball and a defensive player making a break or acting on the ball before another player does so.
- conveying said outcome signal to each of said initiator, intended receiver and interceptor at a specific time for each, wherein each of said initiator, intended receiver and interceptor will witness the reaction concurrently (see entire disclosure). The examiner interprets this limitation to simply be a ball being thrown in a sports game and shown on a display.

Art Unit: 3714

Regarding Claim 2:

- wherein said outcome signal comprises instructions regarding the time to display said reaction (see entire disclosure). Outcome signals displayed to a display has instructions regarding when to display the outcome on the display.

Regarding Claim 3:

- wherein said intended receiver has the initial opportunity to react to said reaction (see entire disclosure). The examiner interprets an action initiated by an initiator to simply be a quarterback throwing a ball in football, a pitcher throwing a pitch in baseball, or a point guard passing the ball in basketball and a offensive player making a break or acting on the ball before another player does so.

Regarding Claim 4:

- wherein said step of qualifying an initiator comprises the step of determining which participant is in possession of a game object (see entire disclosure). The player with the ball is the initiator.

Regarding Claim 5:

- wherein said step of qualifying at least one member as an intended receiver comprises the step of determining to which participant said initiator is attempting to convey a game object (see entire disclosure). To qualify as an intended receiver, that player's team must have the ball.

Regarding Claim 6:

- wherein said step of qualifying at least one member as an interceptor comprises taking into account one or more of: established rules of said game, particular

Art Unit: 3714

participant parameters defined by said game, and in-game situations (see entire disclosure). To qualify as an interceptor, that player's team must be on the defensive side of the ball.

Regarding Claim 7:

- wherein members of said awaiting group are qualified as members of said active group according to a pre-determined, game-specific formula (see entire disclosure). When the awaiting group (defense) obtains the ball, then they transition to offense and are in the active group.

Regarding Claim 8:

- wherein said game comprises at least two teams, and wherein said initiator and said intended receiver are on the same team (see entire disclosure). Sports games are typically played between two teams and an initiator (quarterback) and intended receiver (wide receiver) are on the same team.

Although Schaaïj discloses the computer game system is a team competition game, such as soccer, American football, hockey, cricket, baseball, basketball, volleyball, korfbal, hurling, tennis doubles, badminton doubles, table tennis doubles, etc. Schaaïj does not appear to explicitly disclose all of the rules or actions that are performed in these different games.

However, it would have been obvious at the time of applicant's invention to implement these features in any one of the different kinds of games in Schaaïj. One would have been motivated to do so because these features are well known in electronic sporting games and are implemented on computer systems to entertain players by making the games simulate a real sporting contest.

***Response to Arguments***

4. Applicant's arguments filed September 7, 2006 have been fully considered but they are not persuasive.
5. Regarding the rejection, Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them. In the instant case, Applicant alleges Schaaïj neither discloses nor suggests, "convey and occurrence of an action..." as recited in claim 1. However, the amendment and reply fails to point out how this particular claim limitation avoids the reference as applied to the claim.
6. In the consideration of claims in an amended case where no attempt is made to point out the patentable novelty, the claims should not be allowed. See 37 CFR 1.111 and MPEP § 714.02. An amendment failing to point out the patentable novelty which the applicant believes the claims present in view of the state of the art disclosed by the references cited or the objections made may be held to be not fully responsive and a time period set to furnish a proper reply if the statutory period has expired or almost expired (MPEP § 714.03). However, if the claims as amended are clearly open to rejection on grounds of record, a final rejection should generally be made. (MPEP § 714.04-Claims Presented in Amendment With No Attempt To Point Out Patentable Novelty).
7. Applicant's arguments, see page 7, filed September 7, 2006, with respect to the objection to the claims have been fully considered and are persuasive. The objection of the claims have been withdrawn.

Art Unit: 3714

8. Applicant's arguments, see page 7, filed September 7, 2006, with respect to the rejection to the claims under 35 U.S.C. 112, 2<sup>nd</sup> Paragraph have been fully considered and are persuasive. The rejection of the claims under 35 U.S.C. 112, 2<sup>nd</sup> Paragraph have been withdrawn.
9. Applicant's arguments filed 10/17/06 regarding the drawings have been fully considered but they are not persuasive because the figure needs to be marked "prior art."
10. The amendment to the specification on September 7, 2006 is acknowledged.

***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

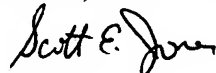
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (571) 272-4438. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:00 P.M..



Art Unit: 3714

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Scott E. Jones  
Primary Examiner  
Art Unit 3714

SEJ